

REMARKS

The Amendments

At page 5, in the description of Figures 1 and 4, "mRNA" is amended to DNA. Support for the amendment can be found in Figures 1 and 4, which depict DNA, and not RNA, sequences.

Claim 47 is amended to recite mRNA expression. Support for the amendment can be found, for example, at page 5, lines 22-23, and in Examples 1 and 2.

New Claim 52 is supported by page 5, lines 13-14.

New Claim 53 is supported by page 5, lines 24-25.

No new matter is added in the amendments. The Examiner is respectfully requested to enter the amendments.

The Response

35 U.S.C. §112 Second Paragraph Rejection

Claims 47-51 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 48-51 are canceled. Claim 47 is amended to recite the individual may have cancer as the Examiner suggested.

Therefore, the 35 U.S.C. §112, second paragraph rejection of Claim 47 should be withdrawn.

35 U.S.C. §112, First Paragraph Rejection

Claims 47-51 are rejected as allegedly failing to comply with the enablement requirement. Claims 48-51 are canceled. The rejection of Claim 47 is overcome in view of the claim amendment.

Claims 47 is amended to recite determining the mRNA expression level instead of determining protein expression level. Example 2 and Figure 3 have shown that the mRNA encoding CZA8 protein is differentially expressed in the breast and colon cancer tissues in comparison with normal tissues.


The instant application has provided working data. Therefore, the 35 U.S.C. §112, first paragraph rejection of Claim 47 should be withdrawn.

CONCLUSION

Applicants believe that the application is in good and proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8109.

Respectfully submitted,

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